

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: August 19, 2021
RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. E2021.028-DVP.

Purpose: to subdivide the subject property into two lots. Folio: E-02285.000

Civic: 4575 Mill Road, Naramata Legal: Lot 25, Plan KAP3889, District Lot 211, SDYD, Except Plan 14494

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

Variance Request: to waive the requirement for the installation of a street light in front of the parcel.

Proposed Development:

This application is seeking a variance to the Regional District of Okanagan-Similkameen Subdivision Servicing Bylaw requirement that applies to the subject property in order to undertake a two-lot subdivision.

Specifically, it is being proposed to waive the requirement for the installation of a street light in front of the parcel when creating a new parcel less than 0.25 ha in area.

In support of this request, the applicant has stated that “a street light is inappropriate for a country location, and which will seriously affect the enjoyment + clarity of the night sky. It would also affect the neighbour on the upside of the road.. the next closest street light is 640 metres away. RDOS Operations agree that having a single street light that distance from the rest of the network does not make practical sense.”

Site Context:

The subject property is approximately 4,141 m² in area and is situated on the west side of Mill Road and abuts the shoreline of Okanagan Lake to its west. The property is currently developed to a single detached dwelling, a garage and a shed.

The surrounding pattern of development is characterised by similar residential parcels developed to contain single detached dwellings.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 22, 1947, while available Regional District records indicate that building permits for a carport (1979) and for the demolition of a cabin (2018) have previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) which permits single detached dwellings and requires a minimum parcel size of 1,010 m², subject to servicing requirements.

Under Schedule “B” (Levels of Works and Services) of the Regional District’s Subdivision Servicing Bylaw No. 2000, 2002, subdivision applications proposing the creation of new low density residential parcels less than 0.25 ha in area are required to provide street lighting in accordance with Schedule “A” (Design Criteria, Specifications and Standard Drawings) of the bylaw.

On February 10, 2021, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed two lot subdivision of the subject property to the Regional District for comment. As this application is seeking to create parcels 0.136 ha and 0.153 ha in area, the Regional District advised, on March 11, 2021, that the provision of street lighting would be required.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on August 12, 2021. All comments received are included as a separate item on the Board’s Agenda.

Analysis:

In considering this proposal, Administration notes that the establishment of standards and design criteria in a subdivision servicing bylaw is seen to be important when the Regional District is the operator of the infrastructure and is responsible for future maintenance and operation.

Moreover, street lighting standards are also generally used to ensure an adequate standard of lighting is achieved on roadways and pathways by establishing minimum illumination standards and pole locations.

While the use of such a bylaw may work well in a municipal setting where the local government is responsible for the road network and generally owns the related infrastructure (i.e. street lights), Administration considers subdivision to be a poor predictor of street lighting priorities within an Electoral Area street lighting service area.

This is primarily a reflection of the rural nature of the communities that comprise an Electoral Area and the incompatibility of street lighting with the character of these areas (e.g. loss of dark skies to light pollution). To the extent that street lighting is provided in rural areas, it is generally focused on priority areas such as hazardous intersections, schools, parks, transit stops or cluster mailbox locations.

As highlighted by the current variance request, the subdivision of land does not always occur in such locations and, when assessing infrastructure needs for development, it is important to take the surrounding context into account.

In this instance, Administration notes that the subject property is located in a remote area in Naramata and is a considerable distance away from any other streetlight (i.e. 600+ metres away from the next nearest light) and that a street light at this location would be uncharacteristic of the area.

Moreover, while street lighting can often enhance streetscape by illuminating blind corners at intersections or providing pedestrian safety, these types of services are not characteristic of rural areas and administration does not view streetlighting as a necessary requirement in order to allow for development.

Administration notes that there are other ways that pedestrian and vehicle traffic can be notified of the turn in the road such as signages or bollards.

Conversely, it is recognised that the subject property is situated within the Naramata Street Lighting Service Area, that the Subdivision Servicing Bylaw is clear in its requirement that new parcels less than 0.25 ha in area provide appropriate street lighting and that this subject property is located at prominent curve in the Mill Road road alignment that *may* benefit from the installation of a street light.

Nevertheless, and for these reasons mentioned above, Administration supports the requested variance and is recommending approval.

Alternatives:

1. That the Board deny Development Variance Permit No. E2021.028-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "E" Advisory Planning Commission.

Respectfully submitted

Nikita Kheterpal

Nikita Kheterpal, Planner I

Endorsed by:



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (2017)

Attachment No. 1 – Aerial Photo (2017)

